



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02392/FPA & DM/15/02393/LB
FULL APPLICATION DESCRIPTION:	Change of use from office (B1) to 81 bedroom hotel (C1) with fitness suite and spa, restaurant and bar, coffee shop, associated access, car parking and landscaping. Demolition of rear extension and creation of a new lift shaft and kitchen stores. Internal and external alterations to a listed building.
NAME OF APPLICANT:	The Kevin Brown SIPP
ADDRESS:	Old Shire Hall, Old Elvet, Durham
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Barry Gavillet Senior Planning Officer 03000 261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. Old Shire Hall is a Grade II Listed Building which fronts directly onto Old Elvet, within a prominent location in the eastern area of Durham City Centre and within the Durham City Conservation Area.
2. Construction of 'The Shire Hall' commenced in 1896 when the Earl of Durham laid the foundation stone, it was built as the headquarters for the newly formed County Council and in 1898 was opened by the Chairman of Durham County Council, Mr Alderman Samuel Storey.
3. Built by Rankin of Sunderland in baroque style, the building is constructed with a bright red engineering brick with copious terracotta and sandstone ashlar dressings sandstone ashlar dressings. The roof is covered with lakeland slate with terracotta crestings has a feature copper dome.

4. The building was extended in 1905 to house the education department and remained in the ownership of the Council until 1963 when they moved to the current headquarters at Aykley Heads in County Hall.
5. The Shire Hall was then used as the headquarters and administrative offices of the University until 2012 housing 150 staff including the Vice-Chancellor, Registrar and Treasurer along with many of the university administrative personal and management. The building has been empty since the University moved to its new Campus in 2012. To date it has been well maintained however increasing maintenance makes it imperative that a viable and sustainable solution is found for the long lasting preservation of the building.

The Proposal

6. This application is for both full planning permission and listed building consent for the change of use from office (B1 use class) to 81 bedroom hotel (C1 use class) with fitness suite and spa, restaurant and bar, coffee shop, associated access, car parking and landscaping. It also involves the demolition of a rear extension and creation of a new lift shaft and kitchen stores requiring both internal and external alterations to a listed building. It is proposed that the restaurant and bar would have 150 covers whilst the coffee shop would have 100 covers. A very similar application was approved in November 2014 for a 43 bedroom hotel, 29 room aparthotel, restaurant, bar and leisure club.
7. As with the previously approved application, the impacts on the historic fabric would be minimal, and an effort has been made to retain the significant features and reuse existing service routes, circulation and compartmentalisation. The proposals are sensitive to the external façade and setting within the conservation area and the minimum of interventions are proposed. Significantly the proposals will repair or reinstate original features, involve no major changes in layout or removal of significant elements of the building except to insert lifts and some demolition to modern unsympathetic extensions within the internal courtyards.
8. The buildings existing form lends itself to the separation into hotel rooms, the layout of the east, west and central corridors, with a number of both large and small offices, are suited for the sub-division of the hotel into rooms and suites. It is proposed to convert the most important heritage asset, the former council chamber, into the bar and restaurant.
9. No changes are proposed to the access & egress arrangements which were submitted and approved in the previously approved planning application. Vehicular access is by means of a drop off point on Old Elvet for hotel customers and large service vehicles shall have a dedicated loading/unloading zone.
10. Other service vehicles and customers wishing to park (approximately 33 cars per day), shall access via the widened western driveway entrance directly off Old Elvet and egress over the right of way onto Court Lane at the South (rear) of the building.

12. It is hoped that the proposed works would facilitate Old Shire Hall being converted into an appropriate, viable and long term sustainable use which would permit public access to the heritage asset.
13. This application is being referred to Committee as it is classed as a major development.

PLANNING HISTORY

14. Planning permission was granted in November 2004 for a 43 bedroom hotel and 29 room aparthotel, restaurant and bar, leisure club and spa with associated access, car parking and landscaping along with alterations to the listed building. In addition, numerous planning applications have been approved over recent years for internal alterations to the listed building in order to facilitate its use as University Offices.

PLANNING POLICY

NATIONAL POLICY

15. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
16. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’

The following elements are considered relevant to this proposal;

17. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
18. *NPPF Part 2 – Ensuring the vitality of town centres.* States that the planning system should be positive, should promote competitive town centre environments and should set out policies for the management and growth of centres over the plan period.
19. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

20. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
21. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
22. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
23. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
24. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY: (City of Durham Local Plan 2004)

25. *Policy CC1 Vitality and Viability of Durham City Centre* – States that the Council will seek to protect and enhance the vitality and viability of the city centre.
26. *Policy E6 Durham City Centre Conservation Area* - states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
27. *Policy E14 - Trees and Hedgerows* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual

trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

28. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
29. *Policy E21 Conservation and Enhancement of the Historic Environment* requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
30. *Policy E22 Conservation Areas* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
31. *Policy E23 Listed Buildings* seeks to safeguard listed buildings and their settings by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of a listed building. Any alterations must be sympathetic in design, scale and materials.
32. *Policy T1 - Traffic – General* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
33. *Policy T10 - Parking – General Provision* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
34. *Policy Q8 - Layout and Design – Residential Development* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
35. *Policy U8a - Disposal of Foul and Surface Water* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
36. *Policy V6 – Tourism within settlement boundaries* states that planning permission will be granted for new visitor accommodation or extensions to existing visitor accommodation within the boundary of settlements provided that the development is

appropriate to the scale and character of the area and such a proposal does not conflict with other policies contained within the plan.

EMERGING POLICY:

37. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. Historic England has no objections to the proposals.
39. The Environment Agency initially objected to the proposals as no Flood Risk Assessment had been submitted. However, this has now been resolved and the Environment Agency has no objections to the proposals subject to conditions requiring details of safe routes from the site and flood protection of the basement.
40. Northumbrian Water have no objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

41. The Councils Sustainability Officer raises concerns that no sustainability statement has been submitted although this has now been received. Notwithstanding this, the requirement for carbon reduction measures and renewable energy can be controlled with a planning condition.
42. The Councils Ecology Officer has assessed the bat and barn owl report and has no objections to the proposals subject to mitigation within the report being conditioned.
43. Archaeology Officers have offered support to the principle of the conversion of Old Shire Hall but have requested conditions requiring monitoring of works where there may be an archaeological impact.

44. Highways Officers have assessed the proposals and have noted that the application is slightly different from the consented development in that instead of a 43 bed hotel with 28 aparthotels units although it is noted that the pedestrian and vehicular access points and arrangements remain unchanged. Similarly, parking numbers and servicing arrangements remain unchanged. There are no objections raised subject to various conditions relating to details of loading bays, tree pits and paving surfaces and cycle parking facilities.
45. Environmental Health Officers do not object to the proposals but have requested conditions relating to sound insulation of walls and noise emanating from the site, details of external lighting, details of fume extraction and construction hours.
46. Tree Officers have no objections to the proposals but require trees which are to be retained to be protected throughout the development.
47. Landscape Officers do not object to the proposals subject to a condition requiring a soft and hard landscaping scheme.
48. Design and Conservation Officers state that the level of harm resulting from the proposals would be less than significant and that the proposal would bring a vacant building back into use, potentially securing its future and having a positive impact on the Conservation Area in addition to a public benefit.

PUBLIC RESPONSES:

49. The application has been advertised by way of site notices, press notice and letters to individual residents. 2 letters of concern have been received as a result of the consultation exercise. The main areas of concern relate to the potential use of the access onto Court Lane, an increase in traffic which would impact on the Cathedrals residential area, noise and odour pollution and the impact on the façade of the building. 1 letter has been received from HMP Durham who have no objections to the proposals.

APPLICANTS STATEMENT:

50. The application site currently comprises of a Grade II Listed building at the heart of the historic City of Durham. It is a significant and important landmark and forms part of the cultural and historic setting to the City. The building has been vacant since 2012 when the university moved to their new Campus. It currently contributes little to the City from an economic perspective and requires significant investment to bring it back into a long lasting viable economic use.
51. Old Shire Hall currently benefits from existing permission (Ref: DM/14/02160/FPA&DM/1402161/LB) for change of use and conversion to a 43 bedroom hotel and 29 room aparthotel (C1 Use Class), restaurant and bar (A3/A4 Use Class), leisure club and spa, granted November 2014.
52. Subsequent to consent being granted, discussions with prospective commercial operators have meant a number of changes were required to the original planning

permission. Following a detailed review of the operational requirements of the hotel, the current proposals consist of the conversion of the existing vacant building into an internationally branded 81 bed boutique hotel with fitness facilities, a landmark bar / restaurant and coffee shop.

53. These amended proposals broadly include replacement of the 29 room aparthotel element previously approved, the addition of 38 additional hotel bedrooms, the inclusion of a coffee shop and internal configuration alterations to the previously approved plans.
54. These amendments will secure the contract with the hotel brand and operator, by significantly improving the serviceability and viability of the hotel through the extra revenue generated from the additional rooms and coffee shop and by the overall improved function of the facility.
55. The application proposals seek to retain and preserve the historical significance of the building whilst bringing it back into a beneficial economic and public use. Through the private investment of in excess of £7.5m, the building will be turned into a high quality boutique 4 star hotel, the likes of which do not currently exist in the City. In doing so, it is predicted that it will attract around 23,000 additional visitors to the City and bring further income into local businesses from the spending power of those visiting the City.
56. The Durham Tourism Management Plan 2012 – 2016 and the County Durham Visitor Accommodation Futures Study, identifies an extremely high level of occupancy and a lack of bed numbers in the City Centre with 625 new beds required by 2030.
57. The study also identifies that the visitor economy is currently worth over £659m to County Durham. 1.51 million overnight tourists visited County Durham in 2010, spending almost 4.2 million nights in the area, our proposals will not only attract new overnight visitors, but also provide high quality dining and leisure facilities within the City making Old Shire Hall one of the must visit destinations for visitors and local residents.
58. With the Council's aspirations in the emerging Local Plan to turn Durham, through the redevelopment of Aykley Heads into a business destination to rival the other major northern cities and to attract multinational business to locate its headquarters, this type of hotel, leisure facilities and bar/restaurant will provide an attractive offering for businesses moving to the City. In planning terms the proposals are fully in accordance with National and existing local policy and are also in accordance with the emerging local plan currently going through Examination in Public. There are no planning reasons why the application should be refused. It will bring economic and social benefits to the City and through architecturally sensitive redevelopment and improvements to the existing building, the proposals will secure the long term preservation of the heritage asset.
59. The applicant has worked closely with planning, conservation and highways officers to create an agreeable scheme that is both sensitive to the history of the building, harmoniously integrated with its surrounding location within the City but also economically viable.

60. It is predicted that if planning permission is approved that the site will bring forward 60 new jobs as part of the operation of the business. This does not include the significant local employment that will be created during construction. This represents a significant economic benefit to the City. In turn, the new hotel, bar, restaurant, and coffee shop are predicted to bring an additional £3m spend into the City with further benefits to the surrounding business's.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:
http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M4W1OFBN5B000

PLANNING CONSIDERATIONS AND ASSESSMENT

61. Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
62. In this instance, the relevant considerations are the principle of the development; in particular the accordance with the Governments National Planning Policy Framework (NPPF) and saved local plan. Other material considerations are the impact on heritage assets, highways issues, ecology and trees, archaeology and the concerns raised by local residents.

Principle of the development

63. In terms of the principle of the development the National Planning Policy Framework sets out that the planning system should aim to build a strong competitive economy and to ensure the vitality of town centres, these aims are reflected in the saved policies in the City of Durham Local Plan.
64. In particular, saved Policy CC1 states that the Council will seek to protect and enhance the vitality and viability of the city centre by promoting mixture of uses in the area. In addition to this saved policy V6 states that planning permission will be granted for new visitor accommodation or extensions to existing visitor accommodation within the boundary of settlements provided that the development is appropriate to the scale and character of the area and such a proposal does not conflict with other policies contained within the plan.
65. It is considered that the proposals would result in an economic benefit to the city creating employment and regeneration benefits to this part of the town centre helping maintain its vitality. It is also considered that the proposals are appropriate to the scale and character of the area and for these reasons it is considered that the proposals are in accordance with the aims of parts 1 and 2 of the NPPF and saved policies CC1 and V6 of the City of Durham Local Plan

66. As stated by the applicant, the proposed hotel would consist of 81 bedrooms, the need for such accommodation has been identified in the Durham Tourism Management Plan 2012 – 2016 and the County Durham Visitor Accommodation Futures Study, which also identifies an extremely high level of occupancy and a lack of bed numbers in the City Centre with 625 new beds required by 2030.
67. The studies go on to say that Durham has the strongest potential for hotel development in the county. There is a potential for 3-4 new hotels in Durham City by 2030 of varying standards (from budget to 4 star and boutique), in addition to the planned extension to Ramside Hall, depending on how strongly and quickly the market grows and the pace of hotel development in surrounding areas that currently generate demand for hotel accommodation in Durham. In the short term the priority in the city is for boutique hotel development such as the one being proposed. A mid-market hotel could also come forward in the medium term. The market potential for 4 star hotel development is longer term and subject to a much stronger corporate market in the city. On the basis of the above, and given that an extant planning permission already exists for a boutique hotel and aparthotel on this site, that the principle of the development is acceptable.

Impact on heritage assets

68. Saved Local Plan Policies E6, E21 and E22 all require the character of conservation areas to be preserved or enhanced. Policy E6 is particularly relevant to this application as it relates to the Durham City Centre Conservation Area. It states that the special character, appearance and setting of the Durham City Centre Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
69. In addition to the above Local Plan Policies, saved Policy E23 seeks to safeguard listed buildings and their settings by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of a listed building. Any alterations must be sympathetic in design, scale and materials. These saved Local Plan policies are considered to reflect the aims of part 12 of the NPPF which seeks to protect and enhance heritage assets.
70. The Councils Design and Conservation team have been consulted on the proposals and have had extensive discussions with the applicant during the application process. The applicant has taken on board suggestions and advice in order to put forward an acceptable scheme.
71. The proposals for change of use, and bringing a redundant nationally important Grade II building back into use are welcomed. The proposed use as a hotel and associated leisure uses would appear to be appropriate, and offer an important opportunity in assisting the regeneration of Old Elvet.
72. The overall impact of level of harm to the building that would be resultant in its change of use is considered to be less than substantial with the greatest degree of harm to significance being subjected to the council chamber and to the Western elevation where a more contemporary entrance feature is proposed.

73. The greatest degree of harm to significance is to the council chamber. Notwithstanding this, the applicant has justified within his design and access statement that this level of intervention is required to facilitate appropriate use of the space, within the proposed operational scenario, reflected in the applicant's general arrangement drawings. The applicant intends to retain and re-use fabric rather than dispose of it, and retain a hierarchical approach to layout within the former council chamber, thus attempting to retain an element of its overall character with reference to its former use. Therefore both the alterations to the council chamber and the proposed entrance feature on the western elevation would appear to be acceptable in terms of their design and impact on the Conservation Area subject to detailing secured through conditions.
74. It is identified that the level of harm in respect of the proposed interventions within the former council chamber is high; however the overall harm to the remainder of the building is less than significant, with a generally sensitive approach to external alterations, and intervention elsewhere considered to facilitate function and based upon a principle that is considered against significance. Overall it is considered that the impact is less than substantial and therefore in line with National Policy Section 132 of the National Planning Policy Framework (NPPF) the degree of harm is less than substantial, and as such it should be balanced against the public benefits of finding a new use for the building (sections 131 and 134 of the NPPF).
75. The proposal would bring a vacant building back into economically viable use and potentially secure its future, its maintenance and prevent further deterioration and damage that may incur over the long term with buildings that are vacant. In addition with regards to the impact on the Conservation Area, this proposal would have a positive impact within Old Elvet, thus having additional public benefit. On the basis of the above the Councils Design and Conservation Officers support the application subject to condition requiring final details of construction and therefore the application is considered to be in accordance with saved policies E6, E21, E22, E23 of the City of Durham Local Plan and part 12 of the NPPF.

Highways Issues

76. The impacts of travel and demands for each use have been considered individually and in combination to arrive at a view as to the suitability of the development. The development sits within a highly accessible location within easy access to the city's central transport and retail hubs.
77. The level of traffic generation from such a development has been assessed against the previous development use traffic generation for B1 office accommodation. The building was used until 2012 by Durham University to accommodate 150 personnel and it is in this context that transport impacts are assessed. It is accepted that there would be no material increase over and above the previous use and that temporal distribution would be less concentrated for the proposed development. On that basis it is considered that the traffic generation can be accommodated within the existing network and junctions.
78. A transport Statement addendum has been produced by the applicants transport consultant. It is noted that the pedestrian and vehicular access points and

arrangements remain unchanged from the previously approved application. Similarly, parking numbers and servicing arrangements remain unchanged. There is an increase of 9 bedrooms from the original application but no increase in on-site parking. Given the City Centre location with on Street Pay and Display provision in the area, this is considered acceptable. It is therefore considered parking provision would be acceptable for the proposed development. Potential increase in pressure for parking demand in this area of the city may result. Such pressure would cause an expansion of areas for parking demand in the area which could result in increased demand in city centre car parks although such impacts could not be considered severe in highway terms.

79. The proposal includes removal of parking space within the highway to the front of the development. It is estimated a minimum of 8 spaces would be lost and subsequently a loss in revenue to the authority of £22,000 per annum from parking charges. It is important that Committee members are made aware of this significant impact, although highways officers do not offer any objection on this basis and it is not a planning consideration.
80. The proposal also indicates that two way access and egress can be taken from Old Elvet with a widened access point and a length of access road to permit two vehicles to pass side by side. It is considered that the site can operate from this single access point, although it is noted a secondary access and egress point to Court Lane exists and could be used by visitors and service vehicles.
81. The applicant shows an amendment to the cycle parking area on Old Elvet which is within the public highway. The amendment is shown to accommodate coach and commercial vehicles. In order to provide such a facility in the public highway an appropriately constructed loading bay with a traffic regulation order would be required. The loading bay would require splayed entry and exit points which could result in the loss of a further three bays and relocation of the electric vehicle charging points. The applicant also shows removal of parking space from Old Elvet at the hotel entrance to accommodate drop off and pick up points. As such the details of these arrangements should be the subject of a condition.
82. The applicant indicates a proposal to introduce seven highway trees within the adopted footway in front of the development. The type, size and detail of tree pits should be subject to a condition along with details of tactile footways for visually impaired persons indicating the presence of trees.
83. Sustainable transport options for pedestrians and cyclist should be a realistic alternative in such location where visitors can arrive via cycle rail or coach. It is proposed to relocate existing public cycle parking facility from within the carriageway in front of the building to a location within the wide footway area. This would be supported but must be funded by the developer. Eight covered, lit and secure cycle parking spaces are proposed on site. This is acceptable and meets current standards, details of the cycle spaces should be subject to a condition. The applicant has been informed that all proposed works within the public highway would be expected to be met at their expense.

84. There is an existing pedestrian demand through the site from Court lane to Old Elvet. Whilst this is not a Public right of way there is likely to arise a claimed right for pedestrians. The applicant will need to accommodate pedestrians within the site. A shared surface access drive to and through the parking areas is accepted as the most appropriate solution where vehicles speeds will be very low due to physical constraints.
85. In light of the above and subject to the appropriate planning conditions, it is considered that the proposals are acceptable from a highways point of view and would be in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the NPPF.

Ecology and Trees

86. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 make it an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England. Accordingly, the Regulations have established a regime for dealing with derogations in the form of a licensing system administered by Natural England.
87. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty to have regard to the requirements of the Regulations/Directive in the exercise of its functions. A Local Planning Authority failing to do so would be in breach of the Regulations. Specifically, where a likely interference to a European Protected Species is identified, the LPA must consider whether a developer might obtain an EPS licence from Natural England, which in turn calls for an application of the derogation tests. The derogation tests are threefold as follows:
- That there is no satisfactory alternative
 - That the population of the species will be maintained at a favourable conservation status in their natural range
 - That there are imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment
88. Part 11 of the NPPF seeks to conserve and enhance the natural environment whilst saved Policy E16 of the City of Durham Local Plan is aimed at protecting and enhancing the nature conservation assets of the former district. Development proposals outside specifically protected sites such as the application site will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests should be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
89. The Councils Ecology Officer has assessed the proposals and has confirmed that the submitted ecological report is sufficient to inform the application and no objections are raised. It is noted that a bat roost was found during the surveys which

appears to be unaffected by the proposals. However, it is important that the roost is not affected by new lighting installed as a result of the conversion of the building. Similarly the functionality of the bat roost must not be affected by any works connected to the proposal. If any works have the potential to affect the roost (scaffolding, mortar pointing, re-roofing etc) then the project ecologist must be informed and a European Protected Species Licence obtained from Natural England. On this basis, and on the basis that the mitigation measures in the submitted ecological report are conditioned, it is considered that the proposals are acceptable from an ecology point of view and in accordance with saved policy E16 of the City of Durham Local Plan and part 11 of the NPPF.

90. Saved Policy E14 sets out the Council's requirements for considering proposals which would affect trees and hedgerows. It states that development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. This is also reflected in the aims of part 11 of the NPPF.
91. It is noted that there are mature trees within the site and within the site of neighbouring properties, the roots of which may be disturbed or damaged during construction. Therefore it is suggested that a condition requiring tree protection is added in order to ensure trees are adequately protected during the construction phase should planning permission be granted. On this basis it is considered that the proposals would be in accordance with part 11 of the NPPF and saved policy E14 of the City of Durham Local Plan.

Letters of concern from nearby residents

92. As noted above, 2 letters of objection have been received as a result of the consultation exercise. The main area of concern relates to the increase in parking provision and arrangements for access to the site. The objections have been submitted by residents or owners of The Cathedrals apartments to the south of the application site. Other concerns include an increase in noise and disturbance due to the increased traffic.
93. As with the previously approved application, plans show visitor access and egress from the site coming off Old Elvet with access to the rear being used as a secondary access and as such, traffic passing the Cathedrals apartments will not be significantly increased, resulting in limited impact on residential amenity. Furthermore, a condition should be imposed as per the previous application which would require a signage scheme to be submitted directing visitors to the appropriate access and exit.
94. In light of the above, all of the issues raised by residents have been fully assessed either within this report or during the planning application process and their impacts are not considered to warrant refusal of planning permission.

CONCLUSION

95. Old Shire Hall is an important, prominent listed building within the Durham City Conservation Area. The proposals would bring the vacant building economically viable use and potentially secure its future, its maintenance and prevent further deterioration and damage. The building would be sympathetically restored and minimal alterations would be made which would be of benefit to the Old Elvet part of the Durham City Conservation Area and to the public who would benefit from public access to the building.
96. The proposals would contribute to the identified need for high quality accommodation in the city centre and would lead to regeneration, investment and employment. It is considered that all of these benefits would significantly outweigh any harm caused by the minimal alterations to the heritage asset and on this basis the application is recommended for approval.

RECOMMENDATION

That the planning application reference DM/15/02392/FPA be **APPROVED** subject to the following conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans.

Location and Block Plan HUB018.PPA.01

Existing Basement & Ground Floor Plans HUB018.PPA.0 B

Existing First and Second Floor Plans HUB018.PPA.03 B

Proposed Site Plan HUB018.PPA.07 R

Existing Site Plan HUB018.PPA.10 A

Council Chamber Existing & Proposed Plans & Section Q-Q HUB018.PPA.11 C

Details Sheet - Details 1, 1a, 2, 3, 4, 5 Typical Ensuite / Mezzanine Detail / Fire Protection Details HUB018.PPA.12

Existing Street (North) and Existing Sectional Lower Level Elevation HUB018.PPA.13 A

Existing & Proposed Sectional South Elevation R - R HUB018.PPA.15 B

Proposed Signage Front / North Elevation HUB018.PPA.17 C

Existing and Proposed Sections A-A, B-B, C-C, D-D, E-E, & Proposed Replacement Roof Lantern Detail HUB018.PPA.18 B

Existing and Proposed Sections O-O, L-L, T-T HUB018.PPA.19 C

Existing and Proposed Sections H-H, J-J, K-K, M-M, N-N HUB018.PPA.20 B

Existing and Proposed Sections Through Rotunda & Section P-P & G-G HUB018.PPA.21 B
Vehicular Entrance to Old Elvet As Existing & Proposed HUB018.PPA.22 A
Topographical Survey HUB018.PPA.24
Intervention Impact Plans Lower Ground Floor HUB018.PPA.25 D
Intervention Impact Plans Ground Floor HUB018.PPA.26 C
Intervention Impact Plans First Floor HUB018.PPA.27 C
Intervention Impact Plans Second Floor HUB018.PPA.28 C
Existing and proposed Section F - F HUB018.PPA.30 A
Site Services Proposed Plant HUB018.PPA.31 A
Sections T-T and T1-T1, Elevations U-U As Existing & Proposed HUB018.PPA.3
Proposed External Entrance Lobby SK0027 P1
Proposed Second Floor and Northern and Western Elevation Showing Roof Lights SK0031P1
Proposed lower ground and ground floor layout 2002P1
Proposed first and second floor layout 2003P1
Existing and proposed roof plans 2004P1
Proposed North Elevation with sections to show roof windows 2005P1

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E6, E14, E21, T1, T10, Q8 and U8A of the City of Durham Local Plan 2004.

3. In relation to the development hereby permitted, no machinery shall be operated, no development shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 hours and 1800 hours Mondays to Friday, 0800 hours and 1300 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: In the interests of residential amenity and to comply with saved policy H13 of the City of Durham Local Plan.

4. No development shall commence until a scheme for tree protection has been submitted and agreed in writing with the Local Planning Authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated in the agreed tree protection scheme as to be retained, are protected by the erection of fencing in accordance with BS.5837:2012.

Reason: In the interests of the visual amenity of the area and to comply with saved policy E14 of the City of Durham Local Plan and part 11 of the National Planning Policy Framework

5. No development shall take place unless in accordance with the mitigation detailed within the contents of Section 2 of the 'Old Shire Hall, Durham – Proposed Development. Bat and Barn Owl Report' written by Ruth Hadden and dated Summer 2014.

Reason: In the interests of protected species and to comply with the National Planning Policy Framework part 11.

6. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Wardell Armstrong dated September 2014 and the following mitigation measures detailed within the FRA:
- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 - Flood protection should be implemented for the basement area of the development as highlighted within the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with part 10 of the National Planning Policy Framework.

7. The development shall not be brought into use until a scheme of sound proofing showing measures to deal with sound insulation of walls and floors between the separate and adjoining properties has been submitted to and approved in writing by the local planning authority and shall be in accordance with the approved details.

Reason: In the interest of residential amenity in accordance with part 11 of the National Planning Policy Framework

8. No development shall commence until a scheme which specifies the provisions to be made for the control of noise emanating from the site has been submitted to and approved in writing by the Local planning authority. The scheme, as approved, shall be implemented before the development is brought into use.

Reason: In the interest of residential amenity in accordance with part 11 of the National Planning Policy Framework

9. Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: In the interest of residential amenity in accordance with part 11 of the National Planning Policy Framework

10. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within

a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenity of the area and to comply with saved Policies E6 and Q8 of the City of Durham Local Plan and part 7 of the National Planning Policy Framework.

11. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter.

Reason: In order to secure a sustainable form of development in accordance with part 10 of the National Planning Policy Framework.

12. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a specification produced by Durham County Council Archaeology Team. The specification includes details of the following:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii) Post-fieldwork methodologies for assessment and analyses.
- iv) Methodologies for a programme of building recording, to be compliant with EH standards and guidance and to be carried out prior to any demolition or conversion works, or any stripping out of fixtures and fittings.
- v) Report content and arrangements for dissemination, and publication proposals.
- vi) Archive preparation and deposition with recognised repositories.
- vii) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- viii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- ix) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policy E24 of the Durham City Local Plan as the site is of archaeological interest.

13. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason; To comply with para. 141 of NPPF by making the information generated publicly accessible.

14. Notwithstanding any details submitted with the application no development shall commence until a scheme to provide a loading bay is submitted to and approved by the Local Planning Authority. The loading bay shall be provided in accordance with the approved details and made available for use throughout the lifetime of the development.

Reason: In the interests of highway safety in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the National Planning Policy Framework.

15. Notwithstanding any details submitted with the application no development shall commence until a scheme detailing the type and size of tree pits is submitted to and approved by the Local Planning Authority. The tree pits shall be provided in accordance with the approved scheme and retained as such throughout the lifetime of the development.

Reason: In the interests of highway safety in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the National Planning Policy Framework.

16. Notwithstanding any details submitted with the application no development shall commence until a paving scheme is submitted to and approved by the Local Planning Authority. The paving scheme shall be constructed in accordance with the approved scheme and retained as such throughout the lifetime of the development.

Reason: In the interests of highway safety in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the National Planning Policy Framework.

17. Notwithstanding any details submitted with the application no development shall commence until a scheme showing the design, location and construction detail of cycle parking facilities is submitted to and approved by the Local Planning Authority. The cycle parking facilities shall be provided in accordance with the approved scheme and made available for use throughout the lifetime of the development.

Reason: In the interests of sustainable travel in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the National Planning Policy Framework.

18. Notwithstanding any details submitted with the application no development shall commence until a scheme detailing installation of mechanical and electrical services including ventilation for the spa and kitchen is submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

19. Notwithstanding any details submitted with the application no development shall commence until details of external doors are submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

20. Notwithstanding any details submitted with the application no development shall commence until details of external signage are submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

21. Notwithstanding any details submitted with the application no development shall commence until details of all balustrading and stair guarding are submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

22. Notwithstanding any details submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

23. No fixtures or fittings shall be removed from council chamber until with the contract for the future occupation/operation of this space has been let.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework

That the planning application reference DM/15/02393/LB be **APPROVED** subject to the following conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans.

Location and Block Plan HUB018.PPA.01

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Existing First and Second Floor Plans HUB018.PPA.03 B

Proposed Site Plan HUB018.PPA.07 R

Existing Site Plan HUB018.PPA.10 A

Council Chamber Existing & Proposed Plans & Section Q-Q HUB018.PPA.11 C

Details Sheet - Details 1, 1a, 2, 3, 4, 5 Typical Ensuite / Mezzanine Detail / Fire Protection Details HUB018.PPA.12

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Existing and Proposed Sections O-O, L-L, T-T HUB018.PPA.19 C

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Existing and Proposed Sections Through Rotunda & Section P-P & G-G HUB018.PPA.21 B

Vehicular Entrance to Old Elvet As Existing & Proposed HUB018.PPA.22 A

Topographical Survey HUB018.PPA.24

Intervention Impact Plans Lower Ground Floor HUB018.PPA.25 D

Intervention Impact Plans Ground Floor HUB018.PPA.26 C

Intervention Impact Plans First Floor HUB018.PPA.27 C

Intervention Impact Plans Second Floor HUB018.PPA.28 C

Existing and proposed Section F - F HUB018.PPA.30 A

Site Services Proposed Plant HUB018.PPA.31 A

Sections T-T and T1-T1, Elevations U-U As Existing & Proposed HUB018.PPA.3

Proposed External Entrance Lobby SK0027 P1

Proposed Second Floor and Northern and Western Elevation Showing Roof Lights SK0031P1

Proposed lower ground and ground floor layout 2002P1

Proposed first and second floor layout 2003P1

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Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E6, E14, E21, T1, T10, Q8 and U8A of the City of Durham Local Plan 2004.

3. No development shall take place unless in accordance with the mitigation detailed within the contents of Section 2 of the 'Old Shire Hall, Durham – Proposed Development. Bat and Barn Owl Report' written by Ruth Hadden and dated Summer 2014.

Reason: In the interests of protected species and to comply with the National Planning Policy Framework part 11.

4. Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: In the interest of residential amenity in accordance with part 11 of the National Planning Policy Framework

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- iv) Methodologies for a programme of building recording, to be compliant with EH standards and guidance and to be carried out prior to any demolition or conversion works, or any stripping out of fixtures and fittings.
- v) Report content and arrangements for dissemination, and publication proposals.
- vi) Archive preparation and deposition with recognised repositories.
- vii) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- viii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- ix) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policy E24 of the Durham City Local Plan as the site is of archaeological interest.

6. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason; To comply with para. 141 of NPPF by making the information generated publicly accessible.

7. Notwithstanding any details submitted with the application no development shall commence until a scheme detailing installation of mechanical and electrical services including ventilation for the spa and kitchen is submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

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Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

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Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

10. Notwithstanding any details submitted with the application no development shall commence until details of all balustrading and stair guarding are submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

11. Notwithstanding any details submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

12. No fixtures or fittings shall be removed from council chamber until with the contract for the future occupation/operation of this space has been let.

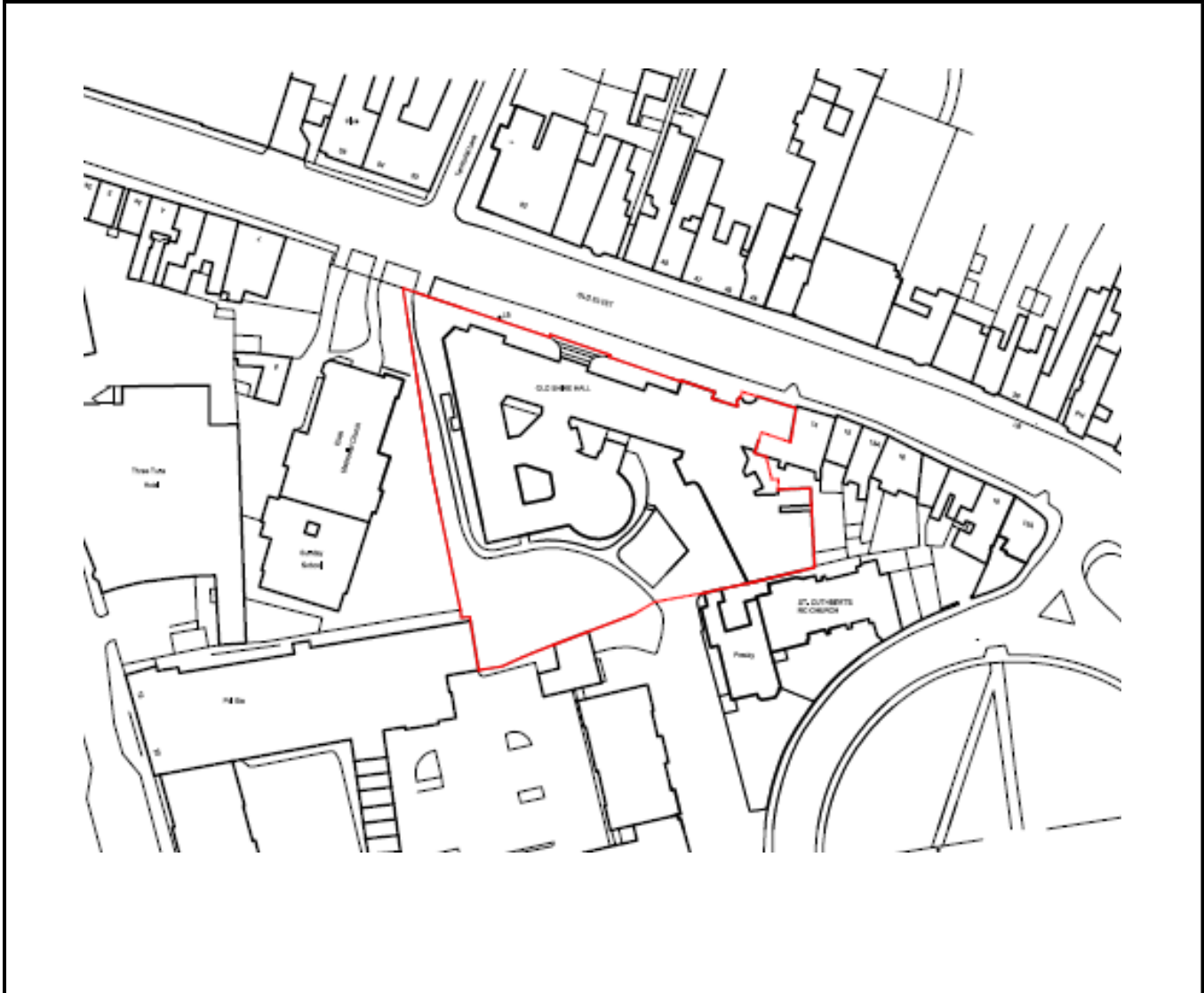
Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the local planning authority has worked with the applicant and nearby residents in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Submission Draft County Durham Plan
Internal consultee responses



Planning Services

Old Shire Hall, Durham

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Date October 2015

